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Counsel for Defendant
FIRBIMATIC SpA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KFD ENTERPRISES, INC., a California
corporation dba Norman's Dry Cleaner,

Plaintiff,

v.

CITY OF EUREKA, et al.,

Defendants.

AND ALL RELATED CROSS-CLAIMS
AND THIRD-PARTY CLAIMS.

No. 3:08-cv-04571-MMC

**STIPULATED REQUEST FOR
VOLUNTARY DISMISSAL WITH
PREJUDICE OF DEFENDANT CITY
OF EUREKA'S ENTIRE CROSS-
CLAIM AGAINST DEFENDANT
FIRBIMATIC SpA
[Fed. R. Civ. P. 41(a)(2), (c); Civil L.R. 7-12]**

Courtroom: 7 (19th Floor)
Judge: Hon. Maxine M. Chesney

Pursuant to Federal Rule of Civil Procedure 41(a)(2) and (c) and Civil L.R. 7-12, Defendant City of Eureka (the "City") and Defendant Firbimatic SpA ("Firbimatic") hereby stipulate and respectfully request judicial action as follows:

WHEREAS, the City has asserted and prosecuted within this action a cross-claim against Firbimatic, among other parties;

WHEREAS, pursuant to Federal Rule of Civil Procedure 41(a)(2)—as made applicable by Rule 41(c)—the City now desires to dismiss with prejudice its entire cross-claim, and all claims encompassed therein, against Firbimatic, while continuing its various claims against other parties, *cf. Hells Canyon Preservation Council v. United States Forest Service*, 403 F.3d 683, 687 (9th Cir. 2005) (observing that Rule 41(a) “allow[s] the dismissal of *all* claims against *one* defendant, so that a defendant may be dismissed from the entire action”); and

WHEREAS, the City and Firbimatic agree that each party will bear its own costs and attorneys’ fees with respect to the City’s cross-claim against Firbimatic;

THEREFORE, the parties hereto stipulate and respectfully request that this Court enter an order dismissing with prejudice the City’s entire cross-claim, and all claims encompassed therein, against Firbimatic only, each party to bear its own costs and attorneys’ fees.

Dated: October 24, 2011.

Respectfully submitted,

/s/ Eric Grant

Eric Grant

John B. Thomas

Hicks Thomas LLP

Counsel for Defendant
FIRBIMATIC SpA

(The filer hereby attests that concurrence in the filing of this document has been obtained from the signatory below.)

DAVIDOVITZ & BENNETT LLP

By: /s/ Charles Bolcom

CHARLES BOLCOM


MORIS DAVIDOVITZ

CHARLES BOLCOM

Attorneys for Defendant, Cross-Claimant and Counter-Claimant CITY OF EUREKA

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 26, 2011.


Hon. MAXINE M. CHESNEY
United States District Judge